



ACTS

OF THE

GENERAL ASSEMBLY OF VIRGINIA,

PASSED IN 1855.6,

IN THE

EIGHTIETH YEAR OF THE COMMONWEALTH.

RICHMOND:
WILLIAM F. RITCHIE, PUBLIC PRINTER.
1856.

When may attachment be issued.

Proceedings and objections to questions to be reported to court.

Commencement

named in such fieri facias is entitled, the judgment creditor may file interrogatories to the debtor, and a copy of the judgment, with a commissioner of the circuit, county or corporation court, who shall issue a summons as in the cases provided for by the thirty-eighth section of chapter one hundred and seventy-six, except that it shall not be served out of the county or corporation in which the commissioner resides. The debtor served with such summons shall, within the time prescribed therein, file answers upon oath to said interrogatories. If he fail so to do, or file any answers which are deemed by the commissioner to be evasive, the commissioner, after the service and return day of a notice to or a rule upon the debtor, issued by such commissioner, and returnable to a day and place indicated in the process, to show cause against it, may issue any attachment against such debtor, returnable before him on a day and place certain, set out in it, to compel such debtor to answer before the commissioner the interrogatories aforesaid, or any others which he may deem pertinent. But the said commissioner shall enter in his proceedings and report to the court, any and all the objections taken by such debtor against answering such interrogatories, or any or either of them; and if the court shall afterwards sustain any one or more of such objections, the answers given to such interrogatories as to which objections are sustained, shall be held for nought in that or any other cause."

2. This act shall be in force from its passage.

CHAP. 41.—An ACT to amend chapter 113 of the Code of Virginia, in relation to escheats.

Passed February 22, 1856.

Code, p. 489.

Escheators, how and where appointed.

Code, p. 489.

Commencement

1. Be it enacted by the general assembly, that the first section of chapter one hundred and thirteen of the Code of Virginia be amended and re-enacted so as to read as follows:

"§ 1. The governor shall appoint one escheator for every town having a corporation court, and for every county, or for so much thereof as is without the boundary of such a town."

2. The third section of chapter one hundred and thirteen of said Code is hereby repealed.

3. This act shall be in force from its passage.

CHAP. 42.—An ACT authorizing guardians to demand compound interest, and allowing them time to invest moneys belonging to their wards.

Passed March 11, 1856.

Guardians authorized to demand compound interest.

Time allowed guardians to invest funds of ward.

1. Be it enacted by the general assembly, that hereafter any person acting as guardian shall have the right to demand and recover of all obligors in bonds, payable to him as guardian and held by him for the benefit of his ward, not only the principal sum due with interest thereon after the rate now prescribed by law, but also, when the interest on the principal sum is not paid punctually at the end of each year, to demand and recover interest upon the interest so due and unpaid.

2. Whenever a guardian shall collect any principal or interest belonging to his ward, he shall have thirty days to invest or loan the same, and shall not be charged with interest thereon until the expiration of said time, unless he shall have made the investment previous thereto; in which case, he shall be charged with interest from the time the investment or loan is made.

CHAP. 43.—An ACT to cause all executions of sentence of death to take place within the enclosed yard of a jail, in the presence of specified persons, unless the court shall otherwise direct.

Passed February 20, 1856.

Execution of sentence of death, when to be private.

1. Be it enacted by the general assembly, that whenever sentence of death is to be executed, if the convict under such sentence be in jail, around or adjoining which there is a yard of sufficient size enclosed by a wall, such sentence shall be executed within such enclosed yard, unless the court, by which such sentence was pronounced, direct otherwise.

2. At the execution there shall be present, besides the officers of said court, such other officers and such guard and assistants as the officer executing the sentence shall see fit. He shall request the presence of the attorney for the commonwealth in said court, the clerk thereof, and twelve respectable citizens, including a physician or surgeon; and he shall permit the presence of the counsel of the convict, and such ministers of the gospel as he shall desire, and such of the convict's relations as the officer shall deem prudent.

3. This act shall be in force from its passage.

Commencement

CHAP. 44.—An ACT to amend the 10th section of the 150th chapter of the Code, concerning warrants for small claims.

Passed February 28, 1856.

1. Be it enacted by the general assembly, that the tenth section of chapter one hundred and fifty of the Code of Virginia be and the same is hereby amended and re-enacted so as to read as follows:

"§ 10. The clerk shall file, alphabetically, in a bundle, all executions returned by a constable within any year, which shall, and, in a separate bundle, such as shall not, appear to be satisfied. Such further executions may be issued for the recovery of the amount due on any execution so returned, as if the judgment on which it issued had been rendered in court. The same and any executions which may be awarded on forthcoming bonds taken and returned by a constable, may be directed to and executed either by a constable or by a sheriff or sergeant; and the same proceedings shall be had upon executions issued under this section as upon execution issued upon judgments of courts."

2. This act shall be in force from its passage.

Commencement

CHAP. 45.—An ACT authorizing county and corporation courts to act upon militia fines in the hands of collectors of the same, and on claims against the militia fund.

Passed March 11, 1856.

1. Be it enacted by the general assembly, that the respective county and corporation courts of the commonwealth shall have and exercise, for one year from the passage of this act, all the powers and duties, subject to the same restrictions, which might have been enjoyed and exercised by the regimental courts of enquiry in their counties or corporations, had they been still continued, touching the allowance or authentication of claims on the militia-fine fund, including the allowance to collectors of militia fines, of insolvent tickets thereof, and the remission of suspended fines.

2. Be it further enacted, that the said courts are hereby authorized to allow insolvent tickets and to remit suspended ones for militia fines, which might have been but were not allowed by regimental courts of enquiry for the year eighteen hundred and fifty-three, by reason of a failure to hold such regimental courts.

3. The clerks of county and corporation courts shall perform all the duties heretofore required of the clerks of regimental courts of enquiry in the premises.

4. This act shall apply only to such fines as were incurred prior to the first day of July eighteen hundred and fifty-two.

5. This act shall be in force from its passage.

Commencement

CHAP. 46.—An ACT providing for the voluntary enslavement of the free negroes of the commonwealth.

Passed February 18, 1856.

1. Be it enacted by the general assembly, that it shall be lawful for any free person of color, resident within this commonwealth, of the age of eighteen years if a female, and of the age of twenty-one years if a male, to choose his or her master, upon the terms and conditions herein after mentioned.

What free negroes may become slaves.